

Translation

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT-03-KTM03	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/010911	International filing date (day/month/year) 28 August 2003 (28.08.2003)	Priority date (day/month/year) 09 September 2002 (09.09.2002)
International Patent Classification (IPC) or national classification and IPC D04B 21/18, 21/10		
Applicant KAWASHIMAORIMONO CO., LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.	
<input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).	
These annexes consist of a total of <u>4</u> sheets.	
3. This report contains indications relating to the following items:	
I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 23 October 2003 (23.10.2003)	Date of completion of this report 01 July 2004 (01.07.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/010911

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_, 1, 2, 5-12 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, 3, 4 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 20 May 2004 (20.05.2004)
- ☒ the claims:  
 pages \_\_\_\_\_, 1, 2 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, 14-18 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 20 May 2004 (20.05.2004)
- ☒ the drawings:  
 pages \_\_\_\_\_, 1-5 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☒ the claims, Nos. \_\_\_\_\_ 3-13 \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1, 2, 14-18	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1, 2, 14-18	NO
Industrial applicability (IA)	Claims	1, 2, 14-18	YES
	Claims		NO

### 2. Citations and explanations

#### List of Documents:

Document 1: JP, 11-279907, A (Lainiere de Picardie), 12 October, 1999 (12.10.99), claim 19, [0007], [0008], Figs. 1 and 2

Document 2: JP, 8-158217, A (Unitika Ltd.), 18 June, 1996 (18.06.96), claim 1, [0001]

Document 3: JP, 11-81108, A (Asahi Chemical Industry Co., Ltd.), 26 March, 1999 (26.03.99), claim 1, [0001]

Document 4: JP, 2000-248540, A (Toyobo Co., Ltd.), 12 September, 2000 (12.09.00), the claims

Document 5: JP, 2001-164447, A (Sakae Resu Kabushiki Kaisha), 19 June, 2001 (19.06.01), claim 5, [0048]

#### Remarks

The subject matters of claims 1 and 18

Document 1 discloses a warp-knit fabric inserted with strengthening/stabilizing yarns in a course direction or a wale direction. The strengthening/stabilizing yarns correspond to the main insertion yarns in the invention according to the above claims.

It is also disclosed that the strengthening/stabilizing yarn form a combination with one or more elastic yarns. The elastic yarns used in combination correspond to the main elastic yarns of the invention of the above claims.

It is also disclosed that as strengthening/stabilizing yarns, textured finish yarns processed by the soft twist processing technique or the air jet processing technique are used. In this case, they are believed to be bulky. As strengthening/stabilizing yarns are used to strengthen/stabilize a fabric, making them thicker for the purpose of strengthening/stabilization would be obvious to a person skilled in the art.

Then, in the invention disclosed in document 1, using, as strengthening/stabilizing yarns, the main insertion yarns in combination with the main elastic yarns, and making the main insertion yarns bulkier and thicker in apparent thickness than the main knit yarns and the main elastic yarns could have been easily conceived of by a person skilled in the art.

The subject matter of claim 2

In the invention of document 1, a person skilled in the art could have freely chosen to make a warp-knit fabric mesh-like by forming continuous openings in the base texture in consideration of the air permeability of warp-knit fabric.

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of : V.2

The subject matter of claim 14

Chenille yarn is also well-known as a textured finish yarn as mentioned in document 5.

The subject matters of claims 15 and 16

Document 4 discloses a polyester core-in-sheath yarn as an elastic yarn. A person skilled in the art could have easily conceived of employing the elastic yarn as elastic yarns and main knit yarns in the fabric of document 1.

The subject matter of claim 17

The denier of elastic yarn could be set suitably for a desired degree of elasticity and the like.

## 第Ⅷ欄 (iv) 発明者である旨の申立て (米国を指定国とする場合)

申立ては実施細則第 214 号に規定する以下の標準文書を使用して作成しなければならない。第Ⅷ欄と同欄(i)～(v)の備考の総論部分、及び本頁に特有の事項について第Ⅷ欄(iv)の備考を参照。この欄を使用しないときは、この用紙を願書に含めないこと。

発明者である旨の申立て (規則 4.17(iv)及び 51 の 2.1(a)(iv))  
(米国を指定国とする場合)

私は、特許請求の範囲に記載され、かつ特許が求められている対象に関して、自らが最初、最先かつ唯一の発明者である (発明者が 1 名しか記載されていない場合) か、あるいは共同発明者である (複数の発明者が記載されている場合) と信じていることを、ここに申し立てる。

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先の出願:

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(国際出願の願書に発明者の署名がない場合や、規則 26 の 3 に基づいて国際出願の出願後に申立ての補充や追加がなされた場合)

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